

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
THURSDAY, AUGUST 31, 2023  
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Thursday, August 31, 2023 at 10:00 a.m., with the following members of the Court being present, to-wit:

Present:        Todd Tefteller – County Judge presiding,  
                    Gene Dolle – Commissioner Pct. #1,  
                    Dustin Nicholson – Commissioner Pct. #2,  
                    Mike Ashley – Commissioner Pct. #3,  
                    Jay W. Miller – Commissioner Pct. #4.

Judge Tefteller called the meeting to order at 10:00 a.m.

**1. Invocation and Pledges**

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led by Dustin Nicholson.

**2. Consider and take action on approval of:**

- A. The minutes of the previous meetings;**
- B. Payroll changes;**
- C. Payroll;**
- D. Budget amendments;**
- E. Accounts Payable;**
- F. Accept for recording: Auditor reports; Treasurer reports; Bonds; Oaths; Deputations; Certificates; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; Order Setting Salaries of the Upshur County Auditor and Assistant Auditors; Order Prohibiting Outdoor Burning thru August 31, 2023; AIA Document A133-2019 Standard Form of Agreement Between Owner and Construction Manager as Constructor; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve items A-F.

Motion carried 5-0. Unanimous vote in favor.

(SEE ATTACHED)

**11. Discuss and take action to approve the trade-in of fourteen (14) used 12-gauge shotguns belonging to the Upshur County Sheriff's Office to Ark-La-Tex Guns for three (3) Glock 17 pistols.**

Motion by Gene Dolle with a second by Dustin Nicholson to approve the trade-in of fourteen (14) used 12-gauge shotguns belonging to the Upshur County Sheriff's Office to Ark-La-Tex Guns for three (3) Glock 17 pistols. Motion carried 5-0. Unanimous vote in favor.

**12. Discuss and take action to accept the donation of a 16ft x 40ft portable building from the Keeter Foundation to the Upshur County Sheriff's Office to be used as a storage building.**

Motion by Mike Ashley with a second by Gene Dolle to accept the donation of a 16ft x 40ft portable building from the Keeter Foundation to the Upshur County Sheriff's Office to be used as a storage building. Motion carried 5-0. Unanimous vote in favor.

**3. Discuss and take action to terminate the burn ban, allow it to continue as it is presently issued or to extend the burn ban due to the continued need of the unincorporated areas of the County for protection from outdoor burning.**

Motion by Gene Dolle with a second by Dustin Nicholson to continue the burn ban to September 15, 2023. Motion carried 5-0. Unanimous vote in favor.

**4. Discuss and take action to remove the entry box/containment at the Road and Bridge public entrance and/or make an entry door through the box/containment.**

Motion by Jay W. Miller with a second by Dustin Nicholson to remove the entry box/containment at the Road and Bridge public entrance. Jay W. Miller amended his motion to remove the structure and at the same time to put in a security system that consists of a way to ring a bell or a buzzer to get permission to enter. Dustin Nicholson made a second to the amended motion. Motion carried 5-0. Unanimous vote in favor.

**5. Discuss and take action to approve the Extension department's request for funds to be moved from contingency fund 100-409-4958 to the Extension Office Travel 100-665-4502 for use by the Ag agent.**

Julie York, Upshur County Ag Extension Agent, made a request to the Board for a budget increase for travel for her new agent, Tina Rosenbalm, for her travels in September of \$630.00. Mike Ashley made a motion to approve the Extension Department's request for funds to be moved from contingency fund to the Extension Office Travel. Motion died for lack of a second.

**6. Discuss and take action to make nominations to the Upshur County Appraisal District Board of Directors by the October 14 deadline.**

Dustin Nicholson nominated Jackie Oliver. Gene Dolle nominated Stacy McMahon and Brandon Dodd. Jay W. Miller had spoken with Brandon Dodd and he indicated that he did not want to commit for two more years. Gene Dolle made a motion that the Commissioners nominate Jackie Oliver and Stacy McMahon. Motion died for lack of

second. Jay W. Miller made a motion with a second by Dustin Nicholson to nominate Jackie Oliver to the Upshur County Appraisal District Board of Directors. Motion carried 5-0. Unanimous vote in favor. Motion by Gene Dolle with a second by Mike Ashley to nominate Stacy McMahon to the Upshur County Appraisal District Board of Directors. Motion carried 4-1.

**7. Discuss and take action to approve the Order of Election for the November 7, 2023 Constitutional Amendment Election.**

Motion by Mike Ashley with a second by Gene Dolle to approve the Order of Election for the November 7, 2023 Constitutional Amendment Election. Motion carried 5-0. Unanimous vote in favor.

**8. Discuss and take action to set the early voting times and locations for the November 7, 2023 Constitutional Amendment Election.**

Motion by Jay W. Miller with a second by Dustin Nicholson to set the early voting times and locations for the November 7, 2023 Constitutional Amendment Election as shown on the attached. Motion carried 5-0. Unanimous vote in favor.

**9. Discuss and take action to set the election day polling locations for the November 7, 2023 Constitutional Amendment Election.**

Motion by Mike Ashley with a second by Jay W. Miller to set the election day polling locations for the November 7, 2023 Constitutional Amendment Election as shown on the attached. Motion carried 5-0. Unanimous vote in favor.

**10. Discuss and take action to approve a General Lease with the City of Gilmer for use of the Gilmer Civic Center for early voting October 23, 2023 – November 3, 2023.**

Motion by Mike Ashley with a second by Jay W. Miller to approve a General Lease with the City of Gilmer for use of the Gilmer Civic Center for early voting October 23, 2023-November 3, 2023. Motion carried 5-0. Unanimous vote in favor.

**13. Discuss and take action to approve the SaaS Contract with Tyler Technologies for the implementation and annual maintenance for Enterprise Case Manager, Enterprise Attorney Manager and Enterprise Corrections.**

Motion by Gene Dolle with a second by Mike Ashley to approve the SaaS Contract with Tyler Technologies for the implementation and annual maintenance for Enterprise Case Manager, Enterprise Attorney Manager and Enterprise Corrections. Motion carried 4-0 with Dustin Nicholson abstaining.

## **PUBLIC HEARING**

Judge Tefteller opened the Public Hearing at 10:58 a.m.

- 1. The Commissioners Court will conduct a public hearing concerning the FY24 Proposed Budget.**
- 2. Discuss and take action on the FY24 Proposed Budget.**

Public Hearing closed at 11:45 a.m. and Judge Tefteller announced that the Court will go back into regular session.

### **14. Discuss and take action on FY24 Proposed Budget.**

No action.

### **15. Discuss and take action to schedule the Public Hearing on the tax increase (any rate above the No-New Revenue Rate) for September 15, 2023.**

Mike Ashley made a motion with a second by Dustin Nicholson to schedule the Public Hearing on the tax increase (any rate above the No-New Revenue Rate) for September 15, 2023. Motion carried 5-0. Unanimous vote in favor.

### **16. Discuss and take action to schedule the date of the adoption of the property tax rate for the FY24 Budget for September 15, 2023.**

Dustin Nicholson made a motion with a second by Jay W. Miller to schedule the date of the adoption of the property tax rate for the FY24 Budget for September 15, 2023. Motion carried 5-0. Unanimous vote in favor.

### **17. Discuss and take action to schedule the date of the adoption of the FY24 Budget for September 15, 2023.**

Dustin Nicholson made a motion with a second by Jay W. Miller to schedule the date of the adoption of the FY24 Budget for September 15, 2023. Motion carried 5-0. Unanimous vote in favor.

### **18. Hear any updates and discuss and take necessary action concerning the Round XII Courthouse Grant Renovation and/or the Courthouse employee relocation during the renovation.**

No action.

Judge Tefteller called for a recess at 11:50 a.m. and announced that the Court will reconvene at 1:00 p.m.

Judge Tefteller reconvened the meeting at 1:10 p.m.

**19. The Court will go into CLOSED SESSION under Texas Open Meetings Act, Texas Government Code, Chapter 551 as indicated:**

    C     Section 551.071 (consultation with attorney(s));

  A,B,C   Section 551.072 (deliberation regarding real property);

  A,B,C   Section 551.0725 (deliberation and discussion of contracts being negotiated);

           Section 551.073 (deliberation about gifts and donations);

    D     Section 551.074 and 551.0745 (personnel matters);

           Section 551.076 (deliberation about security audits or security devices).

**TO WIT:**

- A. Deliberation regarding contracts for facilities which may be used during the Courthouse renovation.**
- B. Consider the purchase, exchange, lease, sale or value of real property in connection with the relocation of County offices during Courthouse renovation or repairs.**
- C. Consideration of contracts being negotiated in connection with the Round XII Courthouse Renovation and Tyler Technologies.**
- D. Consider personnel matters (appointments, leaves, re-assignments, resignations, retirements, terminations, termination of temporary employee contracts, and contract extensions) including but not limited to, to wit:**
  - i) Road & Bridge Department, interview Road and Bridge applicants;**
  - ii) Any other personnel matters.**

The Court entered into CLOSED SESSION at 1:11 p.m.

The Court reconvened into OPEN SESSION at 3:00 p.m.

**20. Discuss and take action hiring a new Road and Bridge Administrator.**

Gene Dolle made a motion with a second by Mike Ashley that Phil Stègall be hired as the new Upshur County Road and Bridge Administrator. Motion carried 5-0. Unanimous vote in favor.

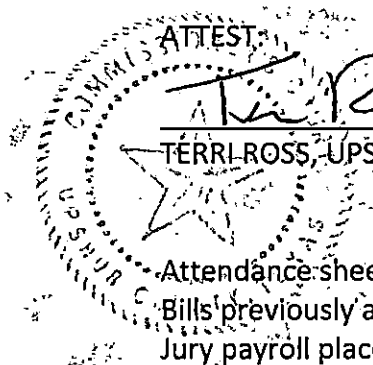
**21. Take any other action resulting from closed session.**

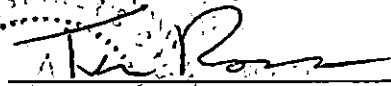
In regards to item 14) above, Dustin Nicholson requested a few budget amendments.

Dustin Nicholson made a motion with a second by Gene Dolle that the office employee position at the Road and Bridge Department be increased from \$37,800.00 to \$40,000.00; and to replace the area crew leader position at the Road and Bridge Department with an office assistant position at the rate of \$30,000.00. Connie Williams, Upshur County Auditor, made a comment that this will be the current salary and they will be eligible for the additional \$1,200.00 if the proposed budget is adopted. Motion carried 5-0. Unanimous vote in favor.

**22. Adjourn.**

Motion by Mike Ashley with a second by Gene Dolle to adjourn the meeting.  
Motion carried 5-0. Unanimous vote in favor. Meeting adjourned at 3:08 p.m.



ATTEST:  
  
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TERRI ROSS, UPSHUR COUNTY CLERK

- Attendance sheet placed into minutes for recording purposes only.
- Bills previously approved placed into minutes for recording purposes only.
- Jury payroll placed into minutes for recording purposes only.